

1 description, Mr. Nourain, at the time that Liberty was
2 interconnecting these buildings with coaxial cable, did it
3 make any difference whether or not the buildings were owned
4 by the same person or not as far as whether or no you
5 interconnect them?

6 A I have no knowledge of how the legality of the
7 I-block works, so I can't answer you that question.

8 Q No, I'm not asking you about legality. I'm simply
9 asking you about the practice that Liberty had at the time
10 of interconnecting I-block buildings. If two buildings were
11 next to each other on the same block, and Liberty wanted to
12 serve both buildings and use only one microwave, it would
13 link the buildings with a cable, correct?

14 A Oh, yes, assuming that we already had the two
15 buildings. That was never the case. I mean I have to
16 answer your question. The question was you only get the one
17 building block, we go with the microwave --

18 Q Right.

19 A -- that's day one --

20 Q Okay --

21 A -- then six months later, maybe they sign the
22 building next to it.

23 Q Okay.

24 A So if you're referring your question that way I
25 can answer it better, otherwise, the answer is that thing

1 never happened.

2 Q You've done a fine job of fixing my questions.

3 Let's talk about the way you described it.

4 A Okay.

5 Q Day one, Liberty serves a particular building on a
6 block with a microwave. Six months later, they make a
7 contract with another building on the same block and Liberty
8 decides to serve that other building by running a wire from
9 the first building to the second building, okay? Are we
10 there?

11 A So far, yes.

12 Q All right, now the question I want you to answer
13 for us, if you can, is whether or not the fact that the
14 first and the second building are owned by different people
15 made any difference as to whether or not Liberty chose to
16 connect those two buildings by using a wireless?

17 A I answered that. I don't know. Ask me a
18 technical question. I'm a technical guy. I don't know.

19 Q All right, now let's go back to the affidavit and
20 the declaration. Go on to Exhibit 18, if you would? That's
21 the surreply that -- with your declaration in back.

22 I take it then that you're telling us that your
23 understanding of the sentence that I read to you on page
24 three of the surreply, which says that you were unaware of
25 the petitions against Liberty's applications, that that --

1 the use of the term, "petitions against Liberty's
2 applications," in this page, refers only to the petitions
3 against applications that ultimately turned out to be
4 activated prematurely?

5 A Yes.

6 Q Okay, and it does not include the applications
7 that were directed against what you call the I-block
8 buildings?

9 A It could not be. We never built it by microwave.

10 Q Okay, now during the period from January through
11 let's say April of 1995, you had occasion to discuss
12 microwave licensing matters with Mike Lehmkuhl at Pepper &
13 Corazzini, did you not?

14 A Could you repeat the date?

15 Q During the period from January through April of
16 1995, you had occasion to discuss microwave licensing
17 matters with Mike Lehmkuhl at Pepper & Corazzini, correct?

18 A Well, what I recall, I always talked to him about
19 licenses and any legal matter if it came up. So I'm sure
20 during that time I did too, yes.

21 Q Okay, and are you saying that at no time in those
22 discussions that you had with Mr. Lehmkuhl in January,
23 February, March, and the beginning of April, 1995, did he
24 ever happen to mention to you the fact that Time Warner had
25 petitioned against Liberty's microwave applications for

1 other than the I-block buildings?

2 A Absolutely not.

3 Q All right, during that same time period that I
4 referred to, that is January through the beginning of April,
5 1995, did you have occasion to call Mr. Lehmkuhl once in a
6 while and ask him about the status of the pending microwave
7 applications?

8 A I was periodically getting STAs and he was --
9 generally sent the list of -- his inventory list and I would
10 receive that periodically, every -- periodically, meaning
11 every few months or so. So I don't see any reason to ask
12 him to send me anything because I knew how the status was.
13 I had the applications and I knew -- get the STAs
14 periodically. So I don't think I asked him about it, no.

15 Q Well, Mr. Lehmkuhl has testified that he didn't
16 file any STAs during that four month period that I asked you
17 about.

18 MR. SPITZER: I object. What's the relevance of
19 that?

20 MR. BECKNER: January through the beginning of
21 April, 1995.

22 MR. SPITZER: Objection, the statement by the
23 witness was that he received them. Whether or not they were
24 filed during that period may or may not relate to whether or
25 not he was receiving STAs that had been filed prior to that

1 period.

2 JUDGE SIPPEL: I'm going to sustain. Sustained.

3 BY MR. BECKNER:

4 Q So your testimony, Mr. Nourain, is that you never
5 asked Mr. Lehmkuhl, in the months of January, February,
6 March, and the first week of April, 1995, about the status
7 of any of Liberty's pending microwave applications?

8 A I don't recall if I did. His instruction was
9 always clear what to do with the filing, applying for the
10 STA, so I didn't -- I don't think that suddenly, on January,
11 I asked him something, if we were supposed to do all of
12 those. That was part of his job. So the answer is I don't
13 recall. I don't think so, no.

14 Q Did you believe that there were any delays in
15 processing of Liberty's applications for STA requests during
16 the first four months of 1995?

17 A No, based on -- I was receiving STAs, and the
18 licenses that were received at the end of 1994 and a couple
19 of months into 1995, I did not see any reason for it.

20 Q So you weren't aware of any delays in them? Is
21 that what you're saying?

22 A I was not -- no, I was not aware of any delays
23 'til I found out on the end of April that it wasn't done and
24 the reason for it.

25 (Pause)

1 Q With respect to what you call the I-block
2 applications, the ones that you say you were referring to in
3 your February affidavit?

4 A Yes, sir?

5 Q Were you at all interested in having those
6 applications processed quickly?

7 A Every application was supposed to be processed.
8 It has nothing to do with the I-block or general. The only
9 question was that I was told that there is the petition
10 against I-block and just don't do anything with that as far
11 as building it by microwave, but I didn't have any specific
12 instruction given to Pepper & Corazzini to process that or
13 hold that or don't put STA, everything, as far as they were
14 concerned, was supposed to go like any other path.

15 Q Well, you said that you knew that Time Warner had
16 petitioned against the I-block application, so I'd like to
17 know whether or not you had any occasion to call Pepper &
18 Corazzini about the status of those applications in the
19 first four months of 1995?

20 A No, I didn't. I didn't need to. I didn't deem it
21 necessary to do that. We had licenses for building, we
22 never installed. So I want to make sure that everything is
23 going according to the process in case, at some point,
24 somebody says that "everything is clear, go build it," I
25 don't have to go back again and find out about it. I just

1 wanted them to, one, that Pepper & Corazzini don't get
2 confused -- that I-block with everything else. My
3 instruction to them was always just go ahead and try to
4 apply, get STA, and move on.

5 Q So are you telling us that you told Mr. Lehmkuhl,
6 in the first four months of 1995, to get STAs for the paths
7 that were the subject of pending applications?

8 A No, that's what you're saying. I said I always
9 told Mike Lehmkuhl that -- even prior to that date -- that
10 you need to fill out the application, you need to put in STA
11 because the nature of our business is such a way that we
12 seem to be needing STA to be able to authorize to turn on
13 our system. So during that time I was getting the STAs
14 renewed and, at that point, everything seems to be that it
15 was going smoothly, so I didn't need to -- and he was
16 providing us with some information about the copies of STA
17 was coming and he was requiring for me to send them the
18 copies over there and it would go to him. So there was no
19 need to do anything with them.

20 MR. BECKNER: I don't have anything further, Your
21 Honor.

22 JUDGE SIPPEL: Mr. Weber?

23 MR. WEBER: Thank you, Your Honor.

24 //

25 //

CROSS-EXAMINATION

1

2

BY MR. WEBER:

3

Q Good afternoon, Mr. Nourain.

4

A Good afternoon.

5

Q As you know, I'm Joseph Weber, and I represent the
6 Wireless Telecommunications Bureau.

7

During the first half of 1993, did you mail copies
8 of licenses you received to Ms. Richter at Pepper &
9 Corazzini?

10

A Yes, I did.

11

Q Was that pursuant to a request from Ms. Richter,
12 if you can recall?

13

A No, we discussed that prior through -- when I
14 started with her, that she told me that the license will
15 come from the Bureau to Liberty directly, and she wanted to
16 have a copy of it in order to keep her records. So as such,
17 I knew that whenever I get the license, I will automatically
18 send that to her, and that practice never changed.

19

Q And can you recall if you did it within a few days
20 of receiving the license or what type of time lag there was
21 between the time you received the license and when you sent
22 her a copy?

23

A As soon as I received them she would have them, I
24 would say within a week, unless I was on vacation or
25 something.

1 Q Did Ms. Richter, during the first half of 1993,
2 ever ask you of dates for when service commenced to any
3 particular buildings or paths?

4 A Not that I recall.

5 Q I'd like you to look at what's been marked as
6 TW/CV Exhibit 63, being in the smaller notebooks there.

7 And, just for the record, this is a Pepper &
8 Corazzini bill, dated June 10, 1993?

9 (Continued on next page.)

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1 A Yes.

2 Q Are you there?

3 A Uh-huh (yes).

4 Q If you look at the very first entry, there is a
5 notation there that there was a phone call. "Behrooz:
6 service commencement dates."

7 Do you know if she was calling you to ask you for
8 service commencement dates at that time?

9 A I don't remember at the moment, no.

10 Q And, at this time, you can't recall her ever
11 asking you for service commencement dates?

12 A Um -- I don't recall directly about that, but, as
13 I mentioned before, that, again, some of the paths that I
14 discussed with her were the ones that we had licenses for
15 them. They were already commenced, but there needed to be
16 some technical modification on that.

17 Ah, when I was just going -- speaking with her
18 about that I need to change some of these technical, ah,
19 data and then she might have asked me then, when would we
20 want to commence the date that they're building? And I
21 would say other -- it's there; we just need to change it.
22 Or, I would say that whatever needed to be done on that,
23 that if you haven't done that.

24 So, never was a particular date that, ah, that I
25 recall.

1 Q Can you recall her ever referring to anything as a
2 "Certificate of Construction?"

3 A No, I don't -- I don't remember that term.

4 Q At this same time period -- the first half of 1993
5 -- if Ms. Richter did call you and ask you for when -- or,
6 what date did service commence to a particular path, is that
7 the type of information you would have had readily
8 available? Would you have been able to tell her the exact
9 date the service commenced?

10 A No, I wouldn't have.

11 Q Are you saying, then, that no records were kept --
12 kept of what dates actually the service started to a
13 particular building?

14 A Ah, no, because, ah, at some point, we were doing
15 various part (sic) of it -- part of the projects. And I
16 would probably, ah, commence building the system. And we
17 would not turn the system on, to be absolutely ready for
18 other divisions to finish their work. And we would send --
19 we would then turn the system on.

20 And another explanation to that is that,
21 basically, there were -- another division would come,
22 physically connect the cables to the various receiver
23 equipment. And, at that point, you that this building is
24 active. And there were division (sic) who would, ah, who
25 would do that.

1 Q Okay, I'd like you to turn now to Exhibit 51 --
2 TW/CV Exhibit 51. Which may be in the larger notebook.

3 A Yes, I think it's in here. (Brief silence.) Yes,
4 sir, I have it.

5 Q Now, turn to the second page of the letter and the
6 first full paragraph on that page. It starts off
7 referring -- well, actually, even the prior paragraph talks
8 about time frames. And then the second -- or, the first
9 full paragraph on the second page refers to the 60/90/120
10 days.

11 Previously, you've testified about certain
12 assumptions you made on -- on time frames that it would take
13 for certain things to occur. Is this the letter from which
14 you -- you gathered your information of those certain
15 different time frames that it takes for certain things to
16 occur?

17 A No, it's not.

18 Q What is the source, then, of -- for the
19 information you got for your time frames?

20 A Well, when I start at the company, I saw that
21 the -- in the end of 1991, it was an application filed by
22 Pepper & Corazzini and immediately, within a week to 10
23 days, it was a -- filing for the STA against that. And
24 then, that was the -- that was the one that I started with.
25 And I verbally talked with Pepper & Corazzini about the STA

1 procedure. That was the first time I was informed about
2 STA. And then they said that, yes, there is a way that you
3 could expedite the process.

4 And that was when we started it, that we said
5 that, if we do not have the license -- although, at that
6 particular time, we had a lot of licenses which, ah -- that
7 STA wouldn't be -- wouldn't be applied for. I don't know
8 when we started to go through that process that I assumed
9 had been done. But it was, ah -- I knew that prior to this,
10 because I discussed it.

11 Q Now, before actually starting at Liberty, you
12 worked at a company called Local Area Telecom and, also, a
13 company called Micronet, correct?

14 A That is correct.

15 Q At either of those companies, did you have any
16 licensing responsibilities?

17 A No, sir.

18 Q Did you have any responsibilities that dealt
19 directly with FCC regulations at either of those companies?

20 A No, sir.

21 Q Did you deal with any application for licenses at
22 either of those companies?

23 A I have -- I have dealt with the application on the
24 Locate (sic). We had an in-house counsel which will
25 actually file the application and obtain the licenses. But,

1 ah, I would have provide him with the technical information,
2 so I knew the applications. But he was the one that -- he
3 would sign the actual application. I would provide him only
4 with the -- with the technical information.

5 The next -- the other company, Micronet, no, I
6 was, ah, mainly there for a technical -- as a technical job.
7 I was consulting them and, ah, never got involved with their
8 -- with the legal part of their FCC matters with that
9 company.

10 Q And I believe you just said, a moment ago --
11 correct me if I'm wrong -- that the first time you learned
12 of STAs was in 1991, while at Liberty?

13 A I was at Liberty in 1992. The application I saw
14 first -- the first time I saw STA was dated around 1991.
15 The end of 1991 or early 1992. That was prior to my
16 arrival. I saw the application and I saw the STA form.
17 That was the first time that I have seen those two documents
18 for private carrier.

19 Q And I'd like you now to look at Time Warner's --
20 or TW/CV Exhibit 66, which is the most recent one -- it may
21 not be in the notebook yet -- which is the application that
22 you were just recently handed.

23 A Oh, yeah, it was in this one.

24 JUDGE SIPPEL: Here you are.

25 THE WITNESS: Okay, thank you, sir.

1 BY MR. WEBER:

2 Q And there was just a question about your
3 signature. And you mentioned that you were signing
4 applications in blank. And I just want to know if -- if, as
5 early as June of 1993, if you were signing applications in
6 blank at that point? Or, if applications were -- were being
7 sent to you at any period of time? If you understand the
8 question?

9 A Um, this particular time -- that was a time of
10 transition, when Mr. McKinnon was not in the company, and
11 some applications were -- probably wasn't signed. And then,
12 that -- when we -- I started to provide them with their --
13 with the blank -- ah, signed application blank. I might
14 have done some prior to that for some of the modification.

15 By "modification," I mean technical modification
16 to some of the existing applications which, basically, did
17 not have any impact to the actual first two pages of
18 application, because it was only technical modification was
19 done. And I might have started to do some of that, which
20 did not really require to -- for you to review the whole
21 applications. The -- the first pages.

22 So, those are the two I recall during that time
23 frame. But I also, as I mentioned, that when we decided
24 that we need to expedite those and go with the STA, I have
25 provided blank, ah, application with my signature, without

1 the date, to Pepper & Corazzini to expedite.

2 Q Now, there -- there were times that Ms. Richter
3 would send you the entire application for you to review and
4 sign?

5 A Um -- those -- applications that it was, ah,
6 technically modified, I needed to see that, particularly for
7 the building which we already installed and we needed to
8 technically modify that, which was done -- was done
9 previously. For those, yes, I would see that.

10 Q This particular application here is not a
11 technically modifi- -- a technical modification, though, is
12 it? It's for a new path? Or is it for a technical
13 modification, if you can tell me by looking -- thumbing
14 through the application?

15 A By looking at this, I cannot, because that might
16 have been completely new -- complete change or modification.
17 And I would have probably just, ah, did the whole
18 application again. I mean, she would have done the whole
19 application again.

20 Q So -- so, actually, by looking, there is no way
21 you can tell whether you signed this one in blank or whether
22 this was an application you received the entire thing to
23 sign?

24 A Signing in blank -- I can tell you I signed it in
25 blank, because I don't have the date -- the date was typed

1 on it. Whether the whole application was as part of the
2 technical modification or was a new application, that I
3 cannot tell.

4 Q When -- when you did not sign in blank, you would
5 hand-write in the date, as opposed to having it typewritten?

6 A That is correct.

7 Q Whose decision was it to have applications signed
8 in blank? Was that your decision to expedite?

9 A Well, I was -- the discussion of expediting came
10 about with Pepper & Corazzini, and they suggested, for
11 expediting, I, ah -- one way to do that is, I provide them
12 with a signed blank application. And I sent it to them.
13 That's why -- they would send it to me and say, okay, why
14 don't you sign. They would send, let's say, 30 -- 20, 30 of
15 them and say, why don't you sign it (sic) and send it back
16 to us? So --

17 Q Anybody in particular at Pepper & Corazzini that -
18 - that told you to do this?

19 A Well, I was dealing with, ah, with Jennifer
20 Richter, and then, later on, with, ah, Mike Lehmkuhl.

21 Q Okay, I'd like you now to turn to TW/CV
22 Exhibit 13, which is your February 21, 1995, affidavit.

23 A I have it.

24 Q You stated that you did not write this, correct?

25 A That is correct.

1 Q And if you'd notice, like looking through each
2 time there is the mention of 18 GHz, gigahertz is
3 abbreviated with a small "g" and a small "h."

4 If you had written this yourself, is that the way
5 you would have done it?

6 A Absolutely not.

7 Q How would you have done it differently?

8 A I would have a capital "G", capital "H", small
9 "z".

10 Q Did you have discussions with Mr. McNaughton prior
11 to his drafting of this affidavit?

12 A Yes, we had a discussion on the phone.

13 Q Can you recall if there was more than one draft,
14 or was there just this one draft and then -- then you signed
15 it?

16 A I don't recall there was any -- any draft. I
17 think he just faxed it to me and I just looked at it and
18 signed it, sent it bass -- back.

19 Q (Brief silence.) In the first half of 1993,
20 you've already testified that there were some discussions
21 with Ms. Richter, correct? They -- you had telephone
22 discussions?

23 A Yes, I did.

24 Q How often would you say you spoke to her during
25 that first half of 1993?

1 A Oh, every time it was any issue that I needed to
2 speak with her, or vice versa, we would call. And it could
3 have been, ah -- at one time, it would be once -- one week
4 and twice a week. Or, at some point, we may not discuss it,
5 ah, three weeks, four weeks. If everything was going
6 smooth, we didn't need to talk.

7 Q During that same period, the first half of 1993,
8 was there ever any single event that you can recall now that
9 made you need to talk to her more often?

10 A Um -- I don't know exactly it (sic) was during
11 that particular time or not, but two issues was that I
12 needed to talk to her. One was that delay of FCC licensing,
13 which I think she brought it to my attention that the Bureau
14 is not providing licenses. And, ah, the other time was -- I
15 -- I was doing a number of modification (sic) -- technical
16 modifications, which I needed to periodically talk to her.

17 So, they were the times that might have fell
18 through that period that I need talk (sic) to her more.

19 MR. WEBER: Okay, thank you. The Bureau has no
20 further questions.

21 THE WITNESS: Thank you, sir.

22 JUDGE SIPPEL: I just want to ask you about
23 Exhibit 18, on page 003.

24 As with the questions Mr. Weber asked you about
25 Exhibit 18, was this document prepared by somebody else and

1 presented to you for reading --

2 THE WITNESS: That's correct. That's correct,
3 sir.

JUDGE SIPPEL: -- reading --
4 your reading and your signature?

5 THE WITNESS: That's correct, sir.

6 JUDGE SIPPEL: Did you make any changes to any of
7 the drafts and send them back?

8 THE WITNESS: No, I did not.

9 JUDGE SIPPEL: Now, on that same page, 003, it
10 says here, "Mr. Nourain, perhaps inadvisedly" -- advisedly
11 -- inadvisably -- "assumed grant of the STA requests which,
12 in his experience, had always been granted within a matter
13 of days of filing and thus rendered the paths operational."

14 Now, you signed the affidavit, so you vouched for
15 the accuracy of that statement. But I want to ask you, in
16 terms of what it meant -- I mean, this -- let me paraphrase
17 it. It is paraphrased as saying is that you, Mr. Nourain,
18 you rendered the paths operational. That was you that did
19 that.

20 THE WITNESS: That's correct.

21 JUDGE SIPPEL: All right. Now, that does not mean
22 -- you said in your deposition, in your deposition of the
23 19th of May, at page 46, that you did not get involved in
24 turning up customers. You build a system and it is a
25 different division that does the installation for the

1 customer.

2 THE WITNESS: That's correct.

3 JUDGE SIPPEL: So, that is correct. Now, at what
4 phase or at what stage does it occur, based upon what you
5 have in this affidavit, that a path becomes operational?

6 THE WITNESS: Prior to installation of the
7 customers.

8 JUDGE SIPPEL: So, everything all set to go. The
9 only thing left to do is to install the customers?

10 THE WITNESS: What I meant by the affidavit of 19
11 (sic) is that installation of turning up the customers,
12 that's correct. Installation of the customer, physically
13 going to their rooms, to their apartments, and turning them
14 on.

15 JUDGE SIPPEL: Right, I -- that was your
16 deposition.

17 THE WITNESS: That's correct.

18 JUDGE SIPPEL: Now, your affidavit, your Exhibit
19 18 affidavit, however, stops short of that procedure.

20 THE WITNESS: That's correct. This just means the
21 operation of the microwave path to the roof of the building.

22 JUDGE SIPPEL: And at what point in time do you
23 know -- at what point in time did you know that a particular
24 building became operational?

25 THE WITNESS: Um, after they -- I -- I might not

1 even know about that, because that was different division.
2 They -- which they knew that, ah -- I -- this thing was
3 operational. I have turned this system on -- let's say,
4 turned the switch on. And then, they would go there and
5 start their construction -- their installation.

6 JUDGE SIPPEL: When you say "installation," you
7 mean installing to the customer.

8 THE WITNESS: Within the building. That would be
9 -- that would be called -- the definition of "building is
10 operational" means that you complete that building and all
11 the customers are in Liberty.

12 The one on the affidavit means that only that
13 portion of it, which would be the microwave path, would be
14 ready to go. Would be ready to be installed.

15 JUDGE SIPPEL: At what -- would you be able to
16 know that there was a day and the time of the day that you,
17 in this capacity that you have attested to, that you would
18 know that the system was operational?

19 THE WITNESS: I could not say the approximate
20 time, because, sometime, we will -- the finish of this
21 operation, ah -- we will bring the building, make the -- all
22 the physical installation and align the antenna, get the
23 signal in there temporarily, and then we would turn it off
24 and go. And then the division which was doing the internal
25 distribution had to bring it with the cable, connect it to

1 that electronics and turn the system on.

2 So, there was a time that I would have probably done --
3 all the work done, made the antenna alignment and turned the
4 system on temporarily, just to make sure the signal comes to
5 the building. Then, I would turn it off. And then, at that
6 point, the -- the building might have been unoperational for
7 another month, till different division (sic) will come back
8 and make their connection.

9 At that point, when they make their connection,
10 they will turn the switch on. And then, the building will
11 be live and then they will just start serving the customer.
12 So, my time -- it does not necessarily mean that that
13 building was live or active. It would be for that period of
14 time that I might have just turned it on to align it and get
15 the signal in there. And then, I might have turned it off,
16 because I could have done four or five buildings.

17 I would not wait for everybody else to be ready
18 and I'd go -- I would finish my portion of it. And then,
19 when we would move to different project, my portion of the
20 project was technically completed. Different division would
21 come in and just connect the cables and turn it on.

22 JUDGE SIPPEL: Okay. When you reached that point
23 --

24 THE WITNESS: Yes, sir.

25 JUDGE SIPPEL: -- where you had taken all of these

1 steps to make it technically operational, was it your
2 decision as to whether or not to leave it on and turn it
3 off, or did somebody else make that decision?

4 THE WITNESS: No, I would -- that -- I would make
5 that decision, because they -- maybe the different
6 department which they needed to actually bring -- bring the
7 power into the building, they were lagging behind me. So, I
8 would complete it and I would go to the next project. Then,
9 they would come one week, 10 days after that. Or, maybe,
10 next day after that. It was -- just depends. They would
11 come in and connect it.

12 JUDGE SIPPEL: Who were you coordinating that
13 with?

14 THE WITNESS: We, ah -- with our -- with our, um,
15 different division of the company at the time, which was the
16 construction, which I was also working with them.

17 JUDGE SIPPEL: Is there a name that you --

18 THE WITNESS: No, no, that -- it was also under my
19 -- my, ah, under my supervision. That was the construction
20 part of the house, yes.

21 JUDGE SIPPEL: You were doing both things?

22 THE WITNESS: I was doing everything, yes. The
23 only thing I didn't do was get to the -- get to the
24 apartment and take the converter boxes and connect them to
25 the television. That would be another group, called

1 Installation Group, that would do that.

2 JUDGE SIPPEL: And who was the head of that group?

3 THE WITNESS: Ah, Mr. Ontiveros.

4 JUDGE SIPPEL: So, would you tell him, after you
5 had gotten your system operational, that it is ready to go,
6 it is ready to install to customers?

7 THE WITNESS: Yeah, after it was completed. Yes,
8 we had a periodic meeting, which we would say that this
9 building is completely completed for customer installation
10 by a certain date. On the -- on the weekly meeting that I
11 had with him. And every day that we will talk with him.
12 And then he would -- he was aware of that. And then, in
13 turn, he would go and he'd schedule his crew to go there and
14 assign certain date (sic) to do the installation.

15 Although that was part of, Your Honor, the other
16 part was that the Marketing also were involved in there, to
17 provide notices for the tenants of the apartment (sic). It
18 could have been the building that was installed and ready to
19 go a month. But if there was a marketing delay, the
20 customer (sic) were aware of that, then they would not tell
21 the Installation Group to install it.

22 And, as such, we would have probably, middle of
23 the work, we could have stopped till all those notifications
24 was provided to the customer. And we would have gone and
25 done some other building.